

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No.: 10/802,321
Appellant: Edlund, *et al.*
Filing Date: March 17, 2004
Art Unit: 2167
Examiner: Timblin, Robert M.
Confirmation No.: 3735
Title: METHOD FOR SYNCHRONIZING DOCUMENTS FOR
DISCONNECTED OPERATION

Commissioner for Patents
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REPLY BRIEF UNDER 37 C.F.R. § 41.41

In response to the Examiner's Answer dated March 9, 2012, Appellant hereby submits this Reply Brief. Authorization is herein granted to apply the extension fees, any other fees occasioned by this paper, or credits due in this case to Deposit Account 12-2158.

REPLY ARGUMENTS TO EXAMINER'S ANSWER

Claim 1

In arguing the rejection of claim 1 under 35 U.S.C. 103 as being unpatentable over Loveland (US Publication No. 2003/0162555) in view of Leung, *et al.* (US Patent No. 7,092,977 – hereinafter “Leung”), and further in view of Cameron, *et al.* (US Publication No. 2003/0172113 – hereinafter “Cameron”), the examiner in the Examiner’s Answer at pages 17-18 disagrees with Appellant’s argument in the Appeal Brief filed February 17, 2012 that Loveland does not calculate a document score by determining whether a relationship exists between emails. In support of this position, the examiner cites Loveland at paragraphs [0013], [0015], [0042], and [0044]. In particular, the Examiner refers to Loveland at [0044] as teaching that emails from senders containing the words “coin” or “penny” as having a higher value than emails not containing these words. According to the Examiner, emails containing the words “coin” or “penny” are deemed to be related because of their keyword relationship, and because they are from particular senders, such as clients, bosses, etc. For example, emails from clients are related because they share the same sender relationship, from clients, and are thus given higher value.

Loveland at paragraph [0044] discloses that the value of data can be determined by user preferences. For example, spam emails are less important to a user than emails from the user’s boss, spouse, or client. Similarly, emails containing the words “penny” or “coin” are more important to a penny collector, and therefore have a higher value to the penny collector than emails that do not contain the words “penny” or “coin.” However, Appellants disagree that a relationship between such emails, if any, is used for “calculating a document score,” as recited in claim 1.

With reference to the example provided in Loveland at paragraph [0044], Appellant assumes for the sake of argument that a first email received by a penny collector includes the word “penny” and a second email received by the same penny collector includes the word “coin.” Loveland does not teach or suggest that the second email influences the value of the first email. For example, the value of the first email is not increased by the second email having a word “coin,” nor is the value of the first email decreased by the second email lacking any such

words of interest to the penny collector (see, for example, paragraph [0020] of Appellant's specification).

Thus, regardless of whether emails from particular senders have a greater value, or whether and that these emails are related because they share a same sender relationship as per the Examiner's Answer at page 18, no teaching or suggestion is made in Loveland that such a relationship is used to calculate a document score designating an importance relative to other documents, as claimed. Referring again to Appellant's specification at paragraph [00020] and claim 1 as distinguished from Loveland at paragraph [0044], if an email to a penny collector having a term "penny" has a score of 10, the calculated score is not increased to 11 if this email is related to another email having the word "coin."

Paragraph [0013] of Loveland referred to in the Examiner's Answer at page 18 offers no additional support for Appellant's position. The flexible set of rules referred to at paragraph [0013] can take into consideration the value of the data, costs associated with synchronization, security, location, and so on (see paragraph [0025] of Loveland, but no mention is made of calculating a document score, as claimed in claim 1.

Paragraph [0015] of Loveland, referred to in the Examiner's Answer at page 19, indicates that the flexible selection rules takes into account the value of the data. However, the value of the data is different than a document score designating an importance relative to other documents, which is calculated by determining whether a relationship exists between the document and the other documents, as claimed in claim 1. Each document in paragraph [0044] of Loveland can have a unique value to the penny collector. For example, an email having the term "penny" can have a high value, and an email not containing the word "penny" can have little or no value. However, the email having the term "penny" would have the same value regardless of whether another email having no such word is introduced, or even if related valuable words such as "coin" are identified. Thus, although each word can have a value to the penny collector, no comparison is made between different emails to influence the value, and therefore, no relationship between these emails is considered when calculating a document score.

For the reasons set forth above, Appellant respectfully submits that the combination of Loveland, Leung, and Cameron does not teach or suggest all the recited claimed limitations of

Appellant's claim 1 and therefore Appellant's invention as recited in claim 1 is not unpatentable under 35 U.S.C. 103(a) based on the combination of Loveland, Leung, and Cameron.

With respect to the rejection of claim 2, the Examiner's Answer at page 20 asserts that Loveland at paragraph [0045] discloses a comparison between a threshold value and a set of document scores. Loveland at paragraph [0045] indicates that a spam message can fall below a threshold value. However, the value of the spam message does not have a document score calculated by determining whether a relationship exists between the spam message and other messages. Instead, the value of the spam message, if any, is determined according to whether it is valuable to the user. Appellant respectfully submits that the combination of Loveland, Leung, and Cameron does not teach or suggest all the recited claimed limitations of Appellant's claim 1 and therefore Appellant's invention as recited in claim 2 is not unpatentable under 35 U.S.C. 103(a) based on the combination of Loveland, Leung, and Cameron.

CONCLUSION

In view of the arguments made herein, Appellant submits that the application is in condition for allowance, and respectfully requests favorable action from the Board.

Respectfully submitted,

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